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c 204 Homes for Retarded Persons Act

Ontario

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CHAPTER 204

The Homes for Retarded Persons Act

1. In this Act,

Interpre-
tation

- (a) "approved corporation" means a corporation approved under section 2;
- (b) "approved home" means a home for retarded persons approved under section 3;
- (c) "corporation" means a corporation without share capital having objects of a charitable nature,
 - (i) to which Part III of *The Corporations Act* applies, R.S.O. 1970,
c. 89
 - or
 - (ii) that is incorporated under a general or special Act of the Parliament of Canada;
- (d) "home for retarded persons" means a building maintained and operated by an approved corporation for the residential accommodation of retarded persons, but does not include,
 - (i) a children's institution under *The Children's Institutions Act*, R.S.O. 1970,
c. 66
 - (ii) a charitable institution under *The Charitable Institutions Act*, R.S.O. 1970,
c. 62
 - (iii) a children's boarding home that is registered under *The Children's Boarding Homes Act*, R.S.O. 1970,
c. 65
 - (iv) a home, institution or other place of accommodation provided by a children's aid society under *The Child Welfare Act*, R.S.O. 1970,
c. 64
 - (v) a day nursery established and operated under *The Day Nurseries Act* or any predecessor thereof, R.S.O. 1970,
c. 104
 - (vi) a house that is registered under *The Maternity Boarding Houses Act*, R.S.O. 1970,
c. 264
 - (vii) a psychiatric facility under *The Mental Health Act*, R.S.O. 1970,
c. 269
 - (viii) a private hospital under *The Private Hospitals Act*, R.S.O. 1970,
c. 361
 - (ix) a children's mental health centre under *The Children's Mental Health Centres Act*, R.S.O. 1970,
c. 68
 - (x) a hospital under *The Public Hospitals Act*, R.S.O. 1970,
c. 378
 - (xi) a sanatorium under *The Sanatoria for Consumptives Act*; R.S.O. 1970,
c. 422
- (e) "Minister" means the Minister of Social and Family Services;

- (f) "provincial supervisor" means a child welfare supervisor or a welfare institutions supervisor, and includes any other employee of the Department of Social and Family Services who is designated by the Minister as a provincial supervisor for the purposes of this Act;
- (g) "regulations" means the regulations made under this Act;
- (h) "residential accommodation" means accommodation for the board and lodging of retarded persons;
- (i) "retarded person" means a person in whom there is a condition of arrested or incomplete development of the mind as verified by objective psychological or medical findings, and whose best interests would be served by admission to an approved home. 1966, c. 65, s. 1, amended; 1968, c. 51, s. 1.

Approval
of cor-
porations

2. The Lieutenant Governor in Council may approve any corporation for the purposes of this Act. 1966, c. 65, s. 2.

Approval
of homes

3. The Lieutenant Governor in Council may approve any home for retarded persons for the purposes of this Act and such approval may take effect on any date fixed by the Lieutenant Governor in Council that is prior to the date on which the approval is given, but in no case shall the date on which the approval takes effect precede the date of the approval given under section 2 to the corporation maintaining and operating the home for retarded persons. 1966, c. 65, s. 3; 1968, c. 51, s. 2.

Prohibitions

4.—(1) No approved corporation shall,

- (a) maintain and operate any home for retarded persons until the home has been approved under section 3;
- (b) change its corporate name under *The Corporations Act* or the name of any approved home maintained and operated by it without the approval in writing of the Minister;
- (c) erect a new building to be maintained and operated as a home for retarded persons until the site and plans thereof have been approved in writing by the Minister or erect an addition to an existing building to be maintained and operated as a home for retarded persons until the plans thereof are approved in writing by the Minister;
- (d) purchase or otherwise acquire any building to be maintained and operated as a home for retarded persons without the approval in writing of the Minister; or

R.S.O. 1970,
c. 89

- (e) change the site of, sell or otherwise dispose of any part of, or structurally alter, any approved home in respect of which the approved corporation has received payment of a grant under section 5 or 6 without the approval in writing of the Minister.

(2) No by-law of an approved corporation with respect to an approved home has effect until it is approved in writing by the Minister. 1966, c. 65, s. 4. By-laws

5. When the site and plans of a new building or the plans of an addition to an existing building to be maintained and operated or maintained and operated, as the case may be, as a home for retarded persons have been approved by the Minister under clause *c* of subsection 1 of section 4, the Lieutenant Governor in Council may, out of the moneys appropriated therefor by the Legislature, direct payment to the approved corporation erecting the new building or the addition of an amount equal to the cost to the approved corporation of the new building or the addition, but not exceeding an amount based upon the bed capacity of the new building or the addition at the rate of \$5,000 per bed. 1966, c. 65, s. 5. Construction grants

6. When the acquisition of a building to be maintained and operated as a home for retarded persons has been approved by the Minister under clause *d* of subsection 1 of section 4, the Lieutenant Governor in Council may, out of the moneys appropriated therefor by the Legislature, direct payment to the approved corporation acquiring the building of an amount equal to the cost to the approved corporation of the acquisition, but not exceeding an amount based on the bed capacity of the building at the rate of \$1,200 per bed. 1966, c. 65, s. 6. Acquisition grants

7. In computing the cost to an approved corporation of erecting a new building or an addition to an existing building under section 5 or of acquiring a building under section 6, the computation shall include only expenditures directly referable to the establishment or provision of residential accommodation for retarded persons and shall be computed in accordance with the regulations. 1966, c. 65, s. 7. Grants for residential accommodation only

8. There shall be paid to an approved corporation, out of moneys appropriated therefor by the Legislature, an amount equal to 80 per cent of the cost, computed in accordance with the regulations, of residential accommodation provided in an approved home that is maintained and operated by the corporation for persons who are not wards of the Crown or wards of a children's aid society under *The Child Welfare Act*. 1968, c. 51, s. 3. Maintenance and operating grants
R.S.O. 1970, c. 64

Inspection
of approved
homes

9.—(1) A provincial supervisor shall be given access to and inspect every approved home, and shall examine the books of account and any other records of the approved home at least once each year, but he shall be given access to and may inspect any such approved home or examine the books of account and the other records at any time.

Idem,
approved
corporations

(2) A provincial supervisor shall be given access to any approved corporation's books of account and other records that pertain to its approved homes and he may inspect such books of account and other records at any time. 1966, c. 65, s. 10.

Suspension
and
revocation
of approvals

10. Any approval given under this Act may be suspended by the Minister or revoked by the Lieutenant Governor in Council at any time. 1966, c. 65, s. 11.

Regulations

11. The Lieutenant Governor in Council may make regulations,

- (a) specifying the corporations and the homes for retarded persons that are approved for the purposes of this Act;
- (b) prescribing rules governing approved homes and the conduct of the persons residing therein and the staffs thereof;
- (c) governing the admission of retarded persons to approved homes and the kinds of services that are to be provided therein;
- (d) prescribing the qualifications and duties of the members of the staffs of approved homes;
- (e) requiring and prescribing medical and other related or ancillary services that are to be provided for the persons residing in approved homes;
- (f) governing applications by approved corporations for payments under this Act, and prescribing the method, time and manner of payment;
- (g) prescribing the manner of computing costs to approved corporations for the purposes of sections 7 and 8;
- (h) prescribing the records to be kept by approved corporations and approved homes, the claims and returns to be made to the Minister by approved corporations and the method, time and manner in which such claims and returns shall be made, and providing penalties for late claims or returns;
- (i) providing for the recovery by an approved corporation or Ontario from the person or persons in whose charge a retarded person is or from the estate of such person or persons of any amount paid by the approved corporation or by Ontario to the approved corporation for the

cost of the residential accommodation of the person in an approved home, and prescribing the circumstances and the manner in which any such recovery may be made;

- (j) prescribing additional duties of provincial supervisors;
 - (k) prescribing forms and providing for their use;
 - (l) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act. 1966, c. 65, s. 12; 1968, c. 51, s. 5.
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